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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/615,348	07/08/2003	Kathleen Nylund Jackson	312.004US1	8899				
<div>7590 12/31/2007</div> <div>Mark A. Litman &amp; Associates, P.A. York Business Center 3209 West 76th St., Suite 205 Edina, MN 55435</div>								
<div>EXAMINER</div> <div>LANEAU, RONALD</div>								
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/615,348

**Applicant(s)**

JACKSON, KATHLEEN NYLUND

**Examiner**

Ronald Laneau

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Appeal Brief*

1. In view of the Appeal Brief filed on 10/11/07, PROSECUTION IS HEREBY REOPENED. A new ground of rejection sets forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mishra (US 2004/0053673 A1).

As per claims 1 and 21, Mishra discloses a method of playing a wagering game (page 1, [0002]) comprising: a player placing a wager in a gaming machine (see fig. 1), the gaming

machine having more than one symbol display system comprising a first symbol display area and at least a second symbol display area (page 6, [0035], lines 4-27, see claim 1); the first symbol display area and the at least a second display area displaying a plurality of symbols that are used to determine winning events (page 6, [0035], lines 1-4); the first display area providing at least one first symbol; independently and randomly completing symbol display for each of the first display area and the at least second display area (page 4, [0023], see fig. 3); and determining if winning events are present in the first display area and the at least second display area (page 3, [0020], lines 34-37, see claim 19). Mishra does not explicitly disclose automatically providing that at least one first symbol to the at least second display area but it would have been obvious to one of ordinary skill in the art at the time the invention was made to display a symbol displayed in the first display into the second display because it would offer the appearance and the effect of two distinct games being simultaneously played from a single wager.

As per claims 2-4, Mishra discloses a method of playing a wagering game wherein the player has the option of placing wagers on the at least second display area or not placing a wager on the at least second display area (see fig. 1); wherein when a player selects a total amount to be wagered in a round of games, the wagers are distributed automatically among the first display area and the at least one second display area (wagers are inherently distributed among the plurality of displays); wherein when the total amount wagered is not evenly divisible by a total number of second display areas wagered upon, wagers are automatically distributed among display areas, with a maximum difference in wagers or different display area allowed (see fig. 1; wagers are inherently distributed among the plurality of displays).

As per claims 5 and 6, Mishra discloses a method wherein the maximum difference is one minimum wagering unit; wherein the first display area is required to have a wager placed thereon that is no smaller than any wager placed on any other display area (all gaming machines are required a minimum wager amount in order to start playing the game and this is an inherent feature).

As per claims 7-12, Mishra discloses a video gaming apparatus comprising a housing, processor, and video display, the gaming apparatus having hardware and software enabling practice of the method of claims 1-6 (page 1, [0007], lines 1-9).

As per claims 13-20, Mishra discloses a method wherein a player selects a bonus event related to symbols or events that may occur in any symbol display area and the appearance of predetermined events in any of the symbol display areas cause a bonus event to occur in which the selected bonus event provides a bonus when the selected bonus event has a predetermined relationship to specific predetermined events; wherein the selected bonus event comprises a generic category and the player or machine then makes a first selection of a species from within the generic category as an element of play in a bonus game (page, [0034]); wherein after first selection of a species by the player, the machine makes a random second selection from among species (page, [0007], inherent feature); wherein predetermined relationships between the first selection and the second selection determine a bonus amount to be paid to the player (see fig. 1); wherein there are more than one bonus awards available depending upon different predetermined relationships (see fig. 1); wherein the genus comprises months and the species comprise dates (inherent features); wherein a player selects a symbol prior to play of an underlying game that establishes an element of bonus play in the event that a player is awarded a

bonus play in the play of the underlying game (see fig. 1); wherein the bonus play includes random selection of species within a genus that is part of the symbol selected by the player (see fig. 1).

### ***Response to Arguments***

3. Applicant's arguments, see response, filed 10/11/07, with respect to the rejection(s) of claim(s) 1-21 under 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Mishra.

Applicant argues that Mishra does not disclose "automatically providing that at least one first symbol to the at least second display area." In response to Applicant's arguments, the system of Mishra discloses a plurality of displays in a gaming device that is capable of being used to match symbols from one display to another. If it is not anticipated, it would definitely be obvious to move or match symbol from a first display to a second display in view of Mishra's disclosure. Claims 1-21 remain rejected.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau  
Primary Examiner  
Art Unit 3714

12/26/07

rl